

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/532,039	09/17/97	JACKSON	P 1531-A

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QM41/0426

EXAMINER

SRIVASTAVA, V

ART UNIT	PAPER NUMBER
3751	

DATE MAILED:

04/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	08/932,039	Applicant(s)	Jackson
Examiner	V. S. S. R. T. A.	Group Art Unit	3761
Y. S. S. R. T. A. 3761			

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 1/28/99.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

Claim(s) 2-38 and 41-43 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) 43 and 2-38 is/are allowed.

Claim(s) 41 and 42 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 6 Interview Summary, PTO-413

Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____;

Office Action Summary

Art Unit: 3761

Amended claims 43 and 2 - 36 are allowed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 41 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Baldwin (Pat. # 5,584,288).

Baldwin teaches in Figs. 6, 7 and 15, 16 a resuscitator valve for a face piece of a breathing apparatus, comprising an inlet duct (112) and an outlet duct (121) having a valve (153) and a movable cover (118).

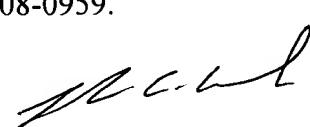
With respect to claim 42, note the resilient flap (142).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the teachings of Anderson et al (Pat. # 4,629,156), Stradella (Pat. # 4,762,145) and Webster (Pat. # 4,834,085).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Srivastava whose telephone number is (703) 308-0959.

vs 

April 21, 1999


John G. Weiss
Supervisory Patent Examiner
Group 3700